

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

GLEN J. WHITNEY & CHRISTINA M. WHITNEY,	:	CIVIL ACTION NO. 1:07-CV-0089
	:	
	:	
Plaintiffs	:	(Judge Conner)
v.	:	
	:	
JOSEPH MARUT, et al.,	:	
	:	
Defendants	:	

ORDER

AND NOW, this 20th day of August, 2007, upon consideration of the motion to dismiss defendants' counterclaims (Doc. 10), filed by plaintiff Christina M. Whitney, and it appearing that plaintiff filed a brief in support on July 23, 2007 (see Doc. 11), see L.R. 7.5, and that, as of the date of this order, defendants have not filed a brief in opposition,¹ see L.R. 7.6 (stating that a party must file a brief in opposition within fifteen days of the brief in support or will be "deemed not to oppose such motion"), it is hereby ORDERED that:

1. Defendants shall be permitted to file, on or before August 27, 2007, a brief in opposition to the motion to dismiss (Doc. 10). The brief in opposition shall comply with the content requirements of Local Rule 7.8(a).
2. Failure to comply with the preceding paragraph shall result in the motion being deemed unopposed. See L.R. 7.6.

¹ Defendants filed a numbered response to the motion to dismiss on August 9, 2007. Counsel for defendants has been repeatedly advised via telephone and docket annotation that this numbered response does not constitute a brief in opposition and that a brief in opposition should be filed separately.

3. The documents labeled brief in opposition (Doc. 12) and reply brief (Doc. 13) are STRICKEN from the docket and should be refiled as a response.²

S/ Christopher C. Conner
CHRISTOPHER C. CONNER
United States District Judge

² When using the court's electronic case management system, the event "response" is located under the heading "other filings" and the subheading "other docs".